

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 4, 2009 at 9:00
A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 122, HB 205, HB 242, 2/25/2009

Executive Action: HB 205-Be Concurred In, HB 122-Be
Concurred In, HB 242-Be Concurred
In

HEARING ON HB 122

Opening Statement by Sponsor:

00:03:05 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 122, Revise false claims act.

Proponents' Testimony:

00:08:46 Ali Bovington, Assistant Attorney General, Department of Justice (DOJ), State of Montana

EXHIBIT(jus48a01)

00:10:12 John Ellingson, Assistant Attorney General, Medicaid Fraud Prosecutor, DOJ

00:16:54 Jeff Buska, Administrator, Quality Assurance Division, Department of Public Health and Human Services (DPHHS)

EXHIBIT(jus48a02)

Opponents' Testimony:

00:19:48 Michael Theis, Attorney, Hogan and Hartson LLP, Denver, Colorado; Pharmaceutical Research Manufacturers of America (PhRMA)

00:26:29 Jon Bennion, Montana Chamber of Commerce

Informational Testimony:

None

Questions from Committee Members and Responses:

00:28:26 Sen. Jent

00:28:51 Mr. Bennion

00:32:40 Sen. Laslovich

00:33:10 Mr. Ellingson

00:37:13 Sen. Shockley

00:37:32 Mr. Bennion

00:39:10 Sen. Shockley

00:39:38 Mr. Theis

00:41:38 Sen. Shockley

00:41:55 Rep. Menahan

00:42:30 Sen. Perry

00:43:32 Mr. Ellingson

00:49:20 Sen. Hinkle

00:50:00 Mr. Ellingson

00:51:28 Sen. Perry

00:52:08 Mr. Ellingson

Closing by Sponsor:

00:54:15 Rep. Menahan

00:57:18 break

HEARING ON HB 205

Opening Statement by Sponsor:

01:09:21 Rep. Bob Ebinger (D), HD 62, opened the hearing on HB 205, Revise law on post-conviction petitions.

Proponents' Testimony:

01:10:56 Nancy MacCracken, Senior Law Clerk, Sixth Judicial District, Livingston

[EXHIBIT\(jus48a03\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:13:32 Sen. McGee

01:15:40 Ms. MacCracken

Closing by Sponsor:

01:15:48 Rep. Ebinger

(Sen. Laslovich, Sen. Larsen and Sen. Esp absent from room)

EXECUTIVE ACTION ON HB 205

01:18:02 **Motion:** Sen. McGee moved that **HB 205 BE CONCURRED IN.**

Discussion:

01:18:38 Sen. Jent

01:20:54 **Vote:** Motion that **HB 205 BE CONCURRED IN** carried unanimously by voice vote. Sen. Larsen, Sen. Laslovich and Sen. Esp voted by proxy. Sen. Jent will carry HB 205 on the Senate floor.

EXECUTIVE ACTION ON HB 122

01:21:58 **Motion:** Sen. Shockley moved that **HB 122 BE CONCURRED IN.**

Discussion:

01:22:41 Sen. McGee

01:23:32 Sen. Jent

01:24:31 Sen. McGee

01:25:12 Sen. Jent

01:25:17 Valencia Lane, Legislative Services Division (LSD)

01:25:50 Sen. McGee

01:27:02 Sen. Jent

(Sen. Larsen entered room)

01:30:43 Sen. McGee

01:31:03 Sen. Jent_

01:31:54 **Vote:** Motion that **HB 122 BE CONCURRED IN** carried unanimously by roll call vote. Sen. Laslovich and Sen. Esp voted by proxy. Sen. Shockley will carry HB 122 on the Senate floor.

01:34:04 Sen. Perry

Hearing ON HB 242

Opening Statement by Sponsor:

01:35:34 Sen. Shockley for Rep. Dave McAlpin (D), HD 94, opened the hearing on HB 242, Revise juror fee laws.

Proponents' Testimony:

01:36:32 Shirley Faust, Missoula County Clerk of District Court; Montana Association of Clerks of District Court

[EXHIBIT\(jus48a04\)](#)

01:40:49 Mary "Marty" Phippen, Montana Association of Clerks of District Court

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:41:48 Sen. McGee

01:42:33 Ms. Faust

Closing by Sponsor:

01:43:46 Sen. Shockley

EXECUTIVE ACTION ON HB 242

01:44:14 **Motion/Vote:** Sen. Shockley moved that **HB 242 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Laslovich and Sen. Esp voted by proxy. Sen Perry will carry HB 242 on the Senate floor.

ADJOURNMENT

Adjournment: 10:46 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus48aad.pdf](#))